

**DECLARATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ADENO-ASSOCIATED VIRUS - ITS DIAGNOSTIC USE WITH EARLY ABORTION**

and for which a patent application:

is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (*if applicable*)  
 was filed in the United States on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ (*for declaration not accompanying application*)  
 was filed as PCT international application Serial No. PCT/EP94/03564 on October 28, 1994 and was amended under PCT Article 19 on \_\_\_\_\_ (*if applicable*)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<b>EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION</b>			
<b>APPLICATION NUMBER</b>	<b>COUNTRY</b>	<b>DATE OF FILING (day, month, year)</b>	<b>PRIORITY CLAIMED</b>
93117452.8	Europe	10/23/93	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

<b>APPLICATION NUMBER</b>	<b>FILING DATE</b>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<b>APPLICATION SERIAL NO.</b>	<b>FILING DATE</b>	<b>STATUS</b>		
		<b>PATENTED</b>	<b>PENDING</b>	<b>ABANDONED</b>

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Charles Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), and Marcia H. Sundeen (Reg. No. 30893), all of Pennie & Edmonds, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711			DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS DOCKETING (212) 790-2803	
2 0 1	FULL NAME OF INVENTOR	LAST NAME Kern	FIRST NAME Andrea	MIDDLE NAME
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	POST OFFICE ADDRESS	STREET Auf der Spreit 25	CITY Ittlingen	STATE OR COUNTRY Germany
2 0 2	FULL NAME OF INVENTOR	LAST NAME Kleinschmidt	FIRST NAME Jürgen	MIDDLE NAME
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2 0 4	FULL NAME OF INVENTOR	LAST NAME Rabreau	FIRST NAME Michèle	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Bordeaux	STATE OR FOREIGN COUNTRY France	COUNTRY OF CITIZENSHIP France
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2 0 5	FULL NAME OF INVENTOR	LAST NAME Schlehofer	FIRST NAME Jörg	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Leiman	STATE OR FOREIGN COUNTRY Germany	COUNTRY OF CITIZENSHIP Germany
	POST OFFICE ADDRESS	STREET Feilgasse 14	CITY Leimen	STATE OR COUNTRY Germany
2 0 6	FULL NAME OF INVENTOR	LAST NAME Tobiasch	FIRST NAME Edda	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Dossenheim	STATE OR FOREIGN COUNTRY Germany	COUNTRY OF CITIZENSHIP Germany
	POST OFFICE ADDRESS	STREET Am Petrus 9	CITY Dossenheim	STATE OR COUNTRY Germany

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:  Application of: Andrea Kern, Jürgen Kleinschmidt, Karsten Geletneky, Michèle Rabreau, Jörg Schlehofer, Edda Tobiasch  
 Patent of:

Serial No.: Group Art Unit: Unassigned  
 Patent No.:

Filed: April 29, 1996 Examiner: Unassigned  
 Issued:

For: ADENO-ASSOCIATED VIRUS -  
ITS DIAGNOSTIC USE WITH  
EARLY ABORTION Attorney Docket No.: 8484-013-999

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization Deutsches Krebsforschungszentrum Stiftung des Öffentlichen Rechts  
Address of organization Im Neuenheimer Feld 280  
D-69120 Heidelberg, Germany

Type of organization

- University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
 Nonprofit scientific or educational under statute of state of the United States of America

(Name of state \_\_\_\_\_)

(Citation of statute \_\_\_\_\_)

- Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.

- Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America

(Name of state \_\_\_\_\_)

(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled ADENO-ASSOCIATED VIRUS - ITS DIAGNOSTIC USE WITH EARLY ABORTION by inventor(s) Andrea Kern, Jürgen Kleinschmidt, Karsten Geletneky, Michèle Rabreau, Jörg Schlehofer, Edda Tobiasch described in

- the specification filed herewith  
 application serial no. \_\_\_\_\_ filed April 29, 1996  
 patent no. issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**FULL NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_

**FULL NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

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**1155 Avenue of the Americas**  
**New York, N.Y. 10036-2711**

Direct Telephone calls to:  
**PENNIE & EDMONDS**  
**(212) 790-9090**

Name of person signing \_\_\_\_\_  
Title of person other than owner \_\_\_\_\_  
Address of person signing \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)